

Applicant : Mark Abbou Date: 2/23/06
Serial No. : 10/692,078 Art Unit: 3764
Response to Office Action of November 29, 2005

REMARKS/ARGUMENTS

Favorable reconsideration is respectfully requested in view of the above amendments and the following discussion.

Claims 1 through 12 have been rejected under 35 U.S.C. 102(b) as being anticipated by Roman, the Examiner having given no weight to language in the claims which the Examiner believes is functional in nature and defines no structure. Although the claims as presented in the application as filed do include functional statements, these functional statements are coupled with structural recitations to define a combination of elements not disclosed or suggested in the prior art. However, in order to better point out the patentable combination of elements set forth in these claims, the claims have been amended to more clearly set forth the linking of structure and function in each element of the combination of elements which makes up the subject matter of the claims. Thus, each of the claims sets forth apparatus in which a basal surface is dimensioned and configured for establishing a prescribed toe position for a foot of a person, a stop surface is placed at a stop position by at least one support member dimensioned and configured for placing the stop surface at the stop position, and the stop surface itself is dimensioned and configured and located at the stop position such that upon execution of a squat exercise, movement of a corresponding knee

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of a person whose toes are placed at the prescribed toe position, in a forward direction beyond a defined stop plane, is precluded by engagement of the knee with the stop surface. The prior art is entirely devoid of any suggestion of the combination of elements which comprises the subject matter of the present claims.

Thus, Roman discloses a therapeutic exercise device in which a boot is employed to support a lower leg of a patient along the length of the lower leg, with the boot oriented essentially horizontally and the toes of the leg extending upwardly. The boot is mounted upon a carriage movable in horizontal directions and can be pivoted relative to the carriage to make an acute angle with the carriage, and the horizontal, but cannot be pivoted into a vertical orientation. Pivoting of the boot bends the knee and enables manipulation of the leg through a variety of exercises which accomplish therapeutic treatment. In contradistinction, the combination of elements of the present claims includes a basal surface dimensioned and configured for establishing, on a generally horizontal support surface, a prescribed toe position for a person using the present apparatus in a squat exercise. A stop surface is located vertically above that toe position by a support member, the stop surface and the support member both being dimensioned and configured so that the stop surface will confront the knee of the person and preclude forward movement of the knee beyond a defined stop plane which intersects the support surface no further forward than the toe position established by the

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construction of the basal surface. Roman neither discloses nor suggests any combination of elements which can anticipate or render obvious the subject matter of the present claims. Accordingly, it is respectfully requested that the rejection based upon Roman be withdrawn.

Claims 16 through 19 have been rejected under 35 U.S.C. 102(b) as being anticipated by Zane. The subject matter of claims 16 through 19 includes placing a stop surface at a stop position relative to the knee of a person such that during a squat exercise the knee will engage the stop surface and movement of the knee forward of a stop plane placed relative to a prescribed toe position is precluded. Zane discloses a shoulder mounted device for supporting weights upon the shoulders of a weight lifter during the performance of weight lifting squats. There is no disclosure in Zane of precluding forward movement of a knee of the weight lifter and no suggestion of the placement of any structural element which could preclude such forward movement. In short, Zane neither discloses nor suggests anything which could anticipate or render obvious the subject matter of the present claims. It is submitted that the rejection based upon Zane must be withdrawn.

Claims 12 through 15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Roman in view of "Rangaswamy". Having found no citation of any reference to "Rangaswamy", applicant's attorney telephoned the Examiner for clarification and was advised

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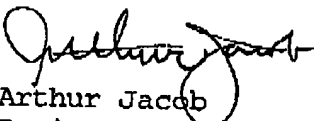
that the supplemental reference is to Schaefer(4,795,142), and not to "Rangaswamy". Hence, the following discussion is directed to the proposed combination of Roman and Schaefer. The shortcomings of Roman have been discussed above in connection with the rejection of claims 1 through 12. Those shortcomings are equally applicable to the subject matter of the present claims 12 through 15 and are incorporated here. Schaefer discloses a patient supporting table in which a table top is detachably held on a pedestal at one end and can be lifted selectively from the pedestal. The disclosure appears to have no bearing whatsoever on the subject matter of the present claims. There does not appear to be any tenable combination of Schaefer with Roman which could render obvious the subject matter of the present claims. The rejection based on the proposed combination of Schaefer with Roman should be withdrawn.

The remaining cited references have been reviewed and are deemed to add nothing by way of anticipation of or rendering obvious the subject matter of the present claims.

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It is respectfully submitted that the claims set forth subject matter which is neither anticipated nor rendered obvious in the prior art and it is respectfully requested that the claims be allowed and the application be passed to issue.

Respectfully submitted,


Arthur Jacob
Registration No. 19,702
Attorney for Applicant

25 East Salem Street
P.O. Box 686
Hackensack, New Jersey 07602
Telephone: (201) 488-8700
Fax : (201) 488-3884
E-mail : ideas@arthurjacob.com

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SIGNATURE

2/23/06
DATE

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